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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16 SAN FRANCISCO TECHNOLOGY INC.,) CASE NO.: C 09 06083 RS
) Judge: Hon. Richard Seeborg
 17 Plaintiff,) Date: March 25, 2010
) Time: 1:30 p.m.
 18 vs.) Courtroom: 3, 17th Floor (San Francisco)
)

19 ADOBE SYSTEMS INCORPORATED, THE) **DECLARATION OF TODD SEYFERT IN**
 BRITA PRODUCTS COMPANY, DELTA) **SUPPORT OF DEFENDANT MAGNUM**
 20 FAUCET COMPANY, EVANS) **RESEARCH INC.'S**
 MANUFACTURING INC., THE EVERCARE) **(1) MOTION TO DISMISS; AND**
 21 COMPANY, GRAPHIC PACKING) **(2) MOTION TO SEVER AND**
 INTERNATIONAL INC., MAGNUM) **TRANSFER VENUE TO DISTRICT OF**
 22 RESEARCH INC., PAVESTONE) **MINNESOTA**
 COMPANY LP, THE PROCTOR &)

23 GAMBLE COMPANY, S.C. JOHNSON &) [Filed concurrently with (1) Notice of Motion
 SON INC., SPECTRUM BRANDS INC.,) and Motion to Dismiss; Memorandum of
 24 SUPER SWIM CORP., UNILOCK INC.,) Points and Authorities; (2) Notice of Motion
 WEST COAST CHAIN MFG. CO.,) and Motion to Sever and Transfer Venue;
 25) Memorandum of Points and Authorities; (3)
 Defendants.) [Proposed] Order Re Motion to Dismiss; and
 26) (4) [Proposed] Order Re Motion to Transfer]
)

27 Complaint Filed: December 30, 2009
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2 I, Todd Seyfert, declare as follows:

3 1. My name is Todd Seyfert and I am the President of Magnum Research, Inc.
4 ("Magnum"). I have personal knowledge of the facts stated herein.

5 2. Magnum is a Minnesota corporation with its principle place of business and
6 headquarters located at 7110 University Avenue N.E., Minneapolis, MN 55432. Magnum has no
7 offices located anywhere other than Minnesota.

8 3. Magnum's advertising and promotion is done by Risdall Advertising Agency, a
9 Minnesota advertising agency located at 550 Main Street, New Brighton, Minnesota 55112. New
10 Brighton is a suburb of Minneapolis. Magnum has worked with Risdall for 30 years and has not
11 employed any other advertising agency during that time. Among other things, Risdall is responsible
12 for the dissemination of Magnum's print advertisements, and operating and maintaining Magnum's
13 website.

14 4. Given Risdall's involvement in the advertisement of Magnum's products, and the
15 allegations against Magnum in this case, I expect that individuals at Risdall will have information
16 relevant to this case. These individuals are all located in Minnesota and include, but are not limited
17 to:

- 18 • John Risdall, Chairman/CEO of Risdall
- 19 • Ted Risdall, President of Risdall
- 20 • Dianna Schmidt, Account Supervisor at Risdall

21 5. Magnum's Operation's Manuals, including the manual for the Desert Eagle handgun,
22 are published by Commers Printing, Inc. which is also located in Minnesota. Because the allegedly
23 false patent marking occurred in Magnum's Operations Manual, I expect that individuals at
24 Commers Printing will have relevant information. The individual at Commers Printing with such
25 information would be Tom Commers, who is also located in Minnesota.

26 6. To the best of my knowledge, every individual currently and formerly employed by
27 Magnum that would have any knowledge concerning the marketing of Magnum's products and the
28

1 patents that cover or covered Magnum's products are located in Minnesota. In addition to me, these
 2 individuals include, but are not limited to:

- 3 • Jim Skildum, Cofounder of Magnum
- 4 • John Skildum, Cofounder of Magnum
- 5 • John Risdall, Shareholder and Director of Magnum
- 6 • Doug Evans, Former President of Magnum
- 7 • Jeff Nelson, Former CFO of Magnum
- 8 • Bernard White, Engineer responsible for the original Desert Eagle Pistol
- 9 • Gene Kessler, Former engineer
- 10 • Steve Nelson, former outside patent counsel
- 11 • Gerald Helget, current outside patent counsel

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 13
 14 7. All documents relating to the marketing of Magnum products, including
 15 advertisements, manuals, and documents concerning the patents that cover or covered Magnum
 16 products are located in Minnesota at Magnum's headquarters. Similarly, all documents concerning
 17 Magnum's financial condition and its ability to pay any fine that might be assessed are located in
 18 Minnesota at Magnum's headquarters.

19 8. To the best of my knowledge and belief, Magnum has always had minimal contact
 20 with the State of California. For instance, Magnum sells product to a limited number of wholesale
 21 distributors and independent retailers throughout the U.S., including California. Those distributors
 22 and independent retailers in turn sell Magnum products to the end consumer. Based on my review
 23 of Magnum's sales records, since 2005, only 3.43% of Magnum's Desert Eagle sales were made in
 24 California. Also, although Magnum sells and promotes its products worldwide, all decisions
 25 relating to the sale, advertising and promotion of its products originate with the officers, managers
 26 and employees located in Minnesota.

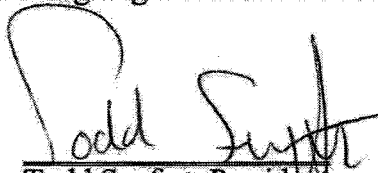
27 9. Attached hereto as Exhibit A is a true and correct copy of the Operator's Manual for
 28 Magnum's Desert Eagle Handguns, bearing a revision date of August, 2006. The Patent No.

1 4,563,937 is used on the inside front cover and at page 17. As demonstrated by the document itself,
2 Magnum distributed this document for the sole purpose of informing customers that had already
3 purchased a Desert Eagle Handgun about proper use and safety precautions. To the best of my
4 knowledge and belief, Magnum's Operator's Manual is the only print or online document that has
5 ever used the '937 patent number. This belief is based on an extensive review of catalogs over the
6 past five years, as well as conversations with Risdall personnel concerning past and present versions
7 of Magnum's website.

8 10. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 4,563,937.

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10 I declare under penalty of perjury that the foregoing is true and correct.

11 Dated: January 29, 2010


Todd Seyfert, President
Magnum Research Inc.

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